

REMARKS

Claims 1,4, 8-10 and 18-50 were pending in the Application prior to the outstanding Office Action. In the Office Action, claims 1, 8, 18, 19, 21 and 24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting, and claims 30-38 and 44-50 were allowed.

I. RESPONSE TO DOUBLE PATENTING REJECTION

On page 2 of the Office Action, the Examiner provisionally rejected claims 1, 8, 18-19, 21 and 24 on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 1 and 4 respectively of co-pending Application No. 10/087,638 (the “638 Application”).

On May12, 2006, Applicants submitted a Terminal Disclaimer to the U.S. Patent & Trademark Office in response to the Office Action mailed on February 14, 2006. Applicants resubmit a copy of the Terminal Disclaimer (attached as Exhibit A) with this response. The Terminal Disclaimer was executed on May 10, 2006 by Steve Debenham, Vice President and General Counsel of Asyst Technologies, Inc. (“Asyst”).

Asyst is the assignee of record of U.S. Application No. 10/087,092 (the “092 Application”). Documentary evidence that Asyst is the assignee of record of the ‘092 Application may be found at Reel/Frame 013123/0629. A copy of the U.S. Patent & Trademark’s assignment database demonstrating the chain of title of the ‘092 Application is attached as Exhibit B. Applicants submit this Terminal Disclaimer to obviate the double patenting rejection over the ‘638 Application, and respectfully assert that claims 1, 8, 18-19, 21 and 24 are in condition for allowance.

II. RESPONSE TO CLAIM OBJECTIONS

In the Office Action, the Examiner objected to claims 4, 9-10, 20, 22-23, 25-29 and 39-43. Dependent claims 4, 9-10, 20, 22-23, 25-29 and 39-43 depend directly or indirectly from independent claims 1, 8, 18, respectively. These dependent claims include all of the limitations of the dependent claims from which they depend. Applicants respectfully assert that dependent claims 4, 9-10, 20, 22-23, 25-29 and 39-43 are allowable for at least the reasons set forth above concerning independent claims 1, 8 and 18.

Applicants have amended claim 26 to correct a typographical error.

Additional Remarks

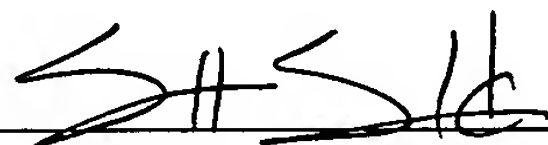
The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application are allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned before an advisory action is issued in order to avoid any unnecessary filing of an appeal.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-3548 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 10, 2006

By: 

Scott D. Sanford
Reg. No. 51,170

Scott D. Sanford, Esq.
O'MELVENY & MYERS LLP
Embarcadero Center West
275 Battery Street, 26th Floor
San Francisco, California 94111-3344
Telephone: (415) 984-8700
Facsimile: (415) 984-8701
Email: ssanford@omm.com

SF1:645810.1